IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 166 of 2007(T)

PETITIONERS:
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1. **MRS.RAHMATH BEEVI, AGED 61 YEARS, W/O.LATE K.A.KARIM, KANJIRAMVILA BANGLAVU, ULIYAKOVILCHERIYIL, KOLLAM, NOW RESIDING AT ELAMAKKARA, ERNAKULAM.**

2. **DR.SULEKHA KARIM, AGED 37 YEARS, D/O.K.A.KARIM, KANJIRAMVILA BANGLAVU, ULIYAKOVILCHERIYIL, KOLLAM, NOW RESIDING AT ELAMAKKARA, ERNAKULAM.**

BY ADV. SRI.SIRAJ KAROLY

RESPONDENTS:
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1. **THE MANAGING DIRECTOR, KERALA STATE CASHEW WORKERS APEX INDUSTRIAL CORPORATIVE SOCIETY LTD.(CAPEX), KADAPAKADA, KOLLAM.**

2. **THE MANAGING DIRECTOR, CASHEW DEVELOPMENT CORPORATION, KOCHUPILAMOODU, KOLLAM.**

3. **THE DISTRICT COLLECTOR, KOLLAM DISTRICT, KOLLAM.**

4. THE STATE OF KERALA, REP. BY
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

BY ADV. SRI.U.K.RAMAKRISHNAN - R2
SRI.E.K.MADHAVAN
SRI.P.V.LOHITHAKSHAN
SMT.P.VIJAYAMMA
SMT.UMA GOPINATH
SRI.V.KRISHNA MENON
SRI.PIRAPPANCODE V.SREEDHARAN NAIR - R1
GOVERNMENT PLEADER SRI.BASANT BALAJI – R3 & R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.166/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE DOCUMENT NO.724/1992.

EXT.P2:- COPY OF THE CERTIFICATE OF DEATH OBTAINED FROM KOLLAM MUNICIPALITY.

EXT.P3:- COPY OF THE REPRESENTATION DT. 22.9.06.

RESPONDENTS EXHIBITS

EXT.R1(a):- COPY OF THE LETTER SENT BY THE IST RESPONDENT TO SRI.K.A.KARIM DT. 30.3.06.

EXT.R1(b):- COPY OF THE REPLY DT. 27.6.06 RECEIVED FROM SIRAFUDEEN.

EXT.R1(c):- COPY OF THE LETTER NI.R8. 7749/05 DT. 30.6.06 OF THE 3RD RESPONDENT, ADDRESSED TO THE DEPUTY COMMISSIONER, COMMERCIAL TAX, KOLLAM.

EXT.R1(d):- COPY OF THE LETTER NO.CAPEX /EXTT./ACQ.06 DT. 30.6.06 ADDRESSED TO K.A.KARIM AND SONS.

EXT.R1(e):- COPY OF THE LETTER NO.7749/05/(1) DT. 4.7.06 OF THE 3RD RESPONDENT.

EXT.R1(f):- COPY OF THE LETTER NO.R8. 7749/05 DT. 25.7.06.

EXT.R1(g):- COPY OF THE LETTER NO.CAPEX/ACQ./ESTT./06 DT. 7.7.06 OF THE IST RESPONDENT.

EXT.R1(h):- COPY OF THE LETTER NO.17615/K/06/ID DT. 20.11.06 OF THE GOVERNMENT.

EXT.R1(i):- COPY OF THE JUDGMENT OF THIS COURT IN WPC. NO.2895/05, FILED BY CAPEX.

EXT.R3(a):- COPY OF THE LETTER DT. 4.7.06.

EXT.R3(b):- COPY OF THE PROHIBITORY ORDER DT. 13.6.06.

/TRUE COPY/

P.A. TO JUDGE

tss

K.PADMANABHAN NAIR, J.

W.P.(C) No.166 of 2007

Dated this the 19th November, 2007.

J U D G M E N T

The prayer in this writ petition is to issue a direction to the respondents to pay the amount of Rs.4.66 lakhs as compensation, and also to provide the details of land acquisition proceedings to the petitioners, so as to enable them to get enhanced compensation and other statutory benefits under the provisions of the Land Acquisition Act.

2. The first respondent has filed a counter contending that a cashewnut factory was acquired 11.5.1984 under the provisions of the Kerala Cashew Factories (Acquisition) Act, 1974. It is not a case covered under the provisions of the Land Acquisition Act.

3. The learned counsel appearing for the petitioners have submitted that a direction may be issued to the respondents to furnish the details of the acquisition proceedings. It is open to the petitioners to approach the competent authority for whatever additional information which he requires.

Subject to the above observation, this writ petition is dismissed.

K.PADMANABHAN NAIR,
JUDGE

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